

PLEASE TAKE NOTICE that upon his Memorandum of Law filed August 21, 2009, and all prior proceedings and filings in this matter, Defendant Robert M. Jaffe, through his attorneys, Arkin Kaplan Rice LLP, will move this Court, before the Honorable Louis L. Stanton, U.S.D.J., at the United States Courthouse, 500 Pearl Street, Courtroom 21C, New York, New York 10007, at a time to be determined by this Court, for an order pursuant to Federal Rules of Civil Procedure 12(b)(6), 8(a) and 9(b), dismissing in part the Complaint against Jaffe with prejudice.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 6.1(b) of the Local Rules for the Southern District of New York, any opposing memoranda must be served within 10 business days of service.

Dated: New York, NY  
August 21, 2009

ARKIN KAPLAN RICE LLP

By: /s/ Stanley S. Arkin  
Stanley S. Arkin (# 1373)  
Howard J. Kaplan (# 4492)  
Peter B. Pope (# 4626)  
David M. Pohl (# 8609)  
590 Madison Avenue  
New York, NY 10022  
(212) 333-0200

*Attorneys for Defendant Robert M. Jaffe*